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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/536,978	01/05/2006	Albert Wauters	6.70.1064 PCT/IB-US	6271
James W Kerr Interbrew 303 Richmond Street London, ON H6B 2H8 CANADA			EXAMINER ALL, MOHAMMAD M	
			ART UNIT 3744	PAPER NUMBER
			MAIL DATE 11/17/2008	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/536,978

**Applicant(s)**

WAUTERS ET AL.

**Examiner**

MOHAMMAD M. ALI

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 08 September 2008.  
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-84 is/are pending in the application.  
4a) Of the above claim(s) 20-84 is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 1-19 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
10) ☒ The drawing(s) filed on 05 January 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All b) ☐ Some \* c) ☐ None of:  
1. ☒ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☒ Information Disclosure Statement(s) (PTO/SF-08)  
Paper No(s)/Mail Date 06/20/05  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_  
5) ☐ Notice of Informal Patent Application  
6) ☐ Other: \_\_\_\_\_

***Election/Restrictions***

Applicant's election with traverse of 04/14/08 in the reply filed on 09/08/08 is acknowledged. The traversal is on the ground(s) that a search of the invention of Group I would necessarily include the desirable embodiments of subsequent claims. This is not found persuasive because the subsequent of claims of other groups read different embodiment and need additional consideration and search causing extra burden to the Examiner.

The requirement is still deemed proper and is therefore made FINAL.

Claims 20-84 have been withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected Group, there being no allowable generic or linking claim. Claims 20-36 do not read on the elected species or invention of Fig. 3, they have also been withdrawn from further consideration.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-2, 4, 8-12 and 16-19 rejected under 35 U.S.C. 102(b) as being anticipated by Leonoff (US 6,082,114). Leonoff discloses a cooling system for cooling a keg/container/can containing a beverage, the cooling system comprising a thermal bridge (32, Figs. 2, 5, 6) adapted to contact a surface portion of the keg/can (18) and having a cavity/chamber (28, chamber 28 is a cavity) filled with a cooling solution

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(ethylene glycol, see column 8, lines 6-7); and a cooling device (34) adapted to chill the thermal bridge (32), including the cooling solution in the cavity (28) for extracting heat from and for cooling the beverage contained in the keg/can when the keg/can is mounted in the heat transfer relation with the thermal bridge (32). See Figs. 2-3, 5-7; column 6, line 53 to column 9, line 45. Regarding keg and alcoholic beverage, Leonoff is capable of chilling any kind of beverage including beer and wine with any kind of container.

Regarding claim 2, the cooling solution being ethylene glycol, it can be chilled to the extent it has a latent heat cooling capacity as its well known use in automotive as antifreeze cooling fluid.

Regarding claims 8 and 16, Leonoff discloses a thermoelectric/Peltier cooling unit (34) that has a cool surface portion (26) in heat transfer contact with the thermal bridge (30/32) and that has a hot surface (36) in heat transfer contact with the heat sink. (see Fig. 2).

Regarding claims 9 and 17, Leonoff discloses a fan (66) directing air flow across the heat sink (Figs. 5-6).

Regarding claims 10 and 18, Leonoff discloses a container contact member (100) adapted to contact the bottom plate (52) on which the keg/container/can is seated in being thermal/heat transferred by both the container contact member (100) and the heat transfer member (24). See Figs. 2 and 7.

Regarding claim 11 and 19, Leonoff's cooling device further includes an active heat sink with the thermoelectric module (34) adapted to remove heat from the thermal

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bridge (32) and to dissipate heat transferred through the thermal bridge (30/32) from the alcohol beverage contained in the container (18).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 3, 5, 7, 13 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Leonoff in view of J. V. Young, Jr., (US 3,075,529). Leonoff discloses the invention substantially as claimed as stated above except a mixture of water and glycol, a solution comprises 5% by volume glycol, solution is cooled to form ice. J. V. Young Jr., teaches the use of a mixture of water and glycol, a solution comprises 5% by volume glycol and a solution to cool to ice in a heat transfer system for the purpose of serving as a coolant. See column 5, lines 26-40.

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the cooling system of Leonoff in view of J. V.

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Young, Jr., such that a mixture of water and glycol, a solution comprises 5% by volume glycol and a solution to be cooled to ice could be provided in order to serve as a heat transfer coolant.

Claims 6 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Leonoff in view of Stone et al., (US 5,899,071). Leonoff discloses the invention substantially as claimed as stated above except a corrosion inhibitor with glycol. Stone et al., teach the use of a corrosion inhibitor with a coolant comprising a mixture of water and glycol for the purpose of serving a antifreeze with anticorrosion ingredients.

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the cooling system of Leonoff in view of Stone et al., such that a mixture of water and glycol with corrosion inhibitor could be provided in order to serve as a heat transfer coolant with corrosion inhibitor.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MOHAMMAD M. ALI whose telephone number is (571)272-4806. The examiner can normally be reached on maxiflex.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Cheryl J. Tyler can be reached on 571-272-4808. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Mohammad M Ali/  
Primary Examiner, Art Unit 3744